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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/603,578	
	Filing Date	Jun 25, 2003	
	First Named Inventor	Bagley, Alan	
	Art Unit	3744	
	Examiner Name	Tanner, Harry B.	
Total Number of Pages in This Submission	6	Attorney Docket Number	331-001CIP2

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	GSS LAW GROUP		
Signature			
Printed name	GREGORY SCOTT SMITH		
Date	January 28, 2005	Reg. No.	38309

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Evanjeline M. Dasalla	Date	January 28, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appn. Number: 10/603,578
Filing Date: June 25, 2003
Applicant: Alan W. Bagley
Appn. Title: Device and Method for Operation a Refrigeration Cycle Without
Evaporator Icing
GAU: 3744
Examiner: Tanner, Harry B.
Docket No: 331-001CIP2

PROVISIONAL ELECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

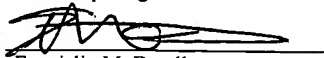
This provisional election is filed in response to the Office Action mailed September 9, 2004. The Applicant provisionally elects to prosecute Species I, defined by the Examiner as drawn to a timer operated hot gas bypass system (Claims 1-17).

This election is made with traverse. The Examiner has stated that claims sets 1-17 and 18-24 are distinct because claims 18-24 (in the Examiner's opinion) are drawn to a system having a manifold for distribution of refrigerant to an evaporator.

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as attached hereto, addressed to the Commissioner of Patents, Box 1450, Alexandria, VA 22313-1450, will be deposited with the U.S. Postal Service as first class mail with sufficient postage at Newark on January 28, 2005

Signature

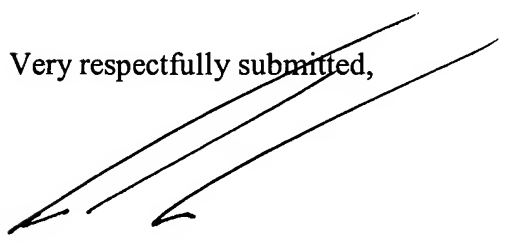

Evanjin M. Dasalla

Date:

1/28/05

The applicant respectfully points out that all of the independent claims in the application include the limitation of a manifold. Therefore, this is not a proper basis for requiring division of the application. Accordingly, the Applicant requests that the Examiner withdraw the restriction requirement.

Very respectfully submitted,



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